

Message Text

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TO SECSTATE WASHDC IMMEDIATE 8735

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E.O. 11652: GDS

TAGS: MOPS, KS, PLOS

SUBJECT: TERRITORIAL WATERS AND WESTERN SEA

1. ON 4 AUGUST CINCUNC SENT MESSAGE THROUGH MILITARY CHANNELS TO JCS, INFO CINCPAC, NOTING THAT TERM "CONTIGUOUS WATERS" IN THE ARMISTICE AGREEMENT IS NOT CLEARLY DEFINED, THAT NORTH CLAIMS 12 MILES TERRITORIAL WATERS AND THAT UNC HAS IN PAST DEFENDED CONTIGUOUS WATER LIMIT OF 3 MILES. MESSAGE SAYS THAT THIS REGIME APPLIED IN NORTHWEST ISLAND AREA WHERE NAVAL FORCES BOTH SIDES TRANSIT AND PATROL "PROVIDES VAGUE, ILL DEFINED BASE"... "CREATING ON CONTINUOUS BASIS A SITUATION WHERE MAJOR INCIDENTS CAN OCCUR." CINCUNC SAYS SITUATION LESS LIKELY CAUSE PROBLEM IF MUTUALLY AGREED INTERNATIONALLY RECOGNIZED LINE BETWEEN UNC/ROK AND KPA"CPV ESTABLISHED IN ISLAND AREA. HE THEN PROPOSES TO DISCUSS FUTURE INCIDENTS IN MILITARY ARMISTICE COMMISSION MEETINGS, USING MAPS AND GRAPHICS SHOWING "WATERS CONTIGUOUS TO MEDIAN LINE" BETWEEN ISLANDS AND DPRK MAINLAND. CINCUNC REQUESTS FROM JCS CONFIRMATION OF HIS RIGHT TO DISCUSS THESE SEA INCIDENTS IN MAC WITH GRAPCS, PRESUMABLY ALONG ABOVE LINES.

2. WHAT THIS WOULD AMOUNT TO, AS BEST WE CAN UNDERSTAND IT, IS AN EXPANSION OF OUR CURRENT DE FACTO DEFENSE LINE, NOW 3 MILES FROM ISLANDS SHORES, TO A CLAIM IN THE MAC THAT THE WATER OUT TO THE MEDIAN LINE WOULD HENCEFORTH BE "WATERS

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CONTIGUOUS TO."

3. EMBASSY OPPOSED TRANSMISSION THIS MESSAGE ON GROUNDS CINCUNC WAS RAISING BASIC AND FUNDAMENTAL QUESTION WHICH REQUIRED THOROUGH CONSIDERATION BY COUNTRY TEAM. QUESTION CLEARLY GOES BEYOND PURE MILITARY OR MAC CONSIDERATIONS. WE POINTED OUT ROKS ARE NOW CONSIDERING STAKING A 12 MILE TERRITORIAL SEA CLAIM AND IF THIS SHOULD HAPPEN WE WILL INDEED FACE QUESTIONS IN DEFINING "CONTIGUOUS WATERS" FOR PURPOSES OF ARMISTICE, POSSIBLY MODIFYING RULES OF ENGAGEMENT, AND OTHER QUESTIONS.

4. RECOMMENDATION TO DO WHAT CINCUNC PROPOSES NOW HOWEVER, IN ADVANCE UNGA AND LOS CONFERENCE AND BEFORE WE KNOW MORE PRECISELY WHAT ROKS INTEND IN WAY OF TERRITORIAL SEA CLAIMS, SEEMS TO US PREMATURE.

5. WE HAVE SUGGESTED TO GENERAL STILWELL THAT COUNTRY TEAM CONSIDER THE QUESTION RAISED HERE WITH A VIEW TO DEVELOPING JOINT RECOMMENDATIONS TO WASHINGTON ON WHAT MAY NEED TO BE DONE AND HOW WE SHOULD PROCEED REGARDING "CONTIGUOUS WATERS" AND RULES OF ENGAGEMENT WHEN ROKS MAKE 12 MILE TERRITORIAL SEA CLAIMS. STILWELL HAS AGREED TO THIS, AND WE NOW WILL PROCEED ACCORDINGLY. IN MEANTIME SUGGEST DEPARTMENT MAY WISH TO DISCUSS PROBLEMS CINCUNC MESSAGE RAISES WITH JCS TO INSURE NO PREMATURE INSTRUCTION SENT AND ACTION TAKEN.
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